

JS 44 (Rev. 11/04)

## CIVIL COVER SHEET

## APPENDIX H

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

Lehigh Valley Hospital

(b) County of Residence of First Listed Plaintiff Lehigh (PA)  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Tallman, Hudders &amp; Sorrentino, P.C.

1611 Pond Road, Suite 300

~~Allentown, PA 18104 (610) 391-1800~~

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## DEFENDANTS

Daniel L. Haggerty

County of Residence of First Listed Defendant Warren (NJ)  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | PTF                                     | DEF                                   | PTF   | DEF                                   |
|---|---------------------------------------|---|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State                | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input checked="" type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5            |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 Foreign Nation   | <input type="checkbox"/> 6            |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. Section 1332(a); 28 U.S.C. 1391(a)

Brief description of cause:

Breach of contract

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23  
 DEMAND \$ \$688,907.29  
 Money damages in the amount of

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

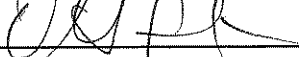
JUDGE

DOCKET NUMBER

DATE

5/1/07

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

## UNITED STATES DISTRICT COURT

APPENDIX F

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 1200 S. Cedar Crest Blvd., Allentown, Lehigh County, PA 18103

Address of Defendant: 5-A Valley Drive, Belvidere, Warren County, NJ 07823-3132

Place of Accident, Incident or Transaction: 1200 S. Cedar Crest Blvd., Allentown, Lehigh County, PA 18103  
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?  
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☐
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☐
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☐

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases  
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☒ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
(Please specify)

ARBITRATION CERTIFICATION

(Check appropriate Category)

I, Megan D. Dalton, counsel of record do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 5/1/07

Megan D. Dalton  
Attorney-at-Law

200008

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 5/1/07

Megan D. Dalton  
Attorney-at-Law

200008

Attorney I.D.#

APPENDIX G

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

Lehigh Valley Hospital, :  
Plaintiff, :  
V. : Civil Action  
Daniel L. Haggerty, : No: \_\_\_\_\_  
Defendant, :

DISCLOSURE STATEMENT FORM

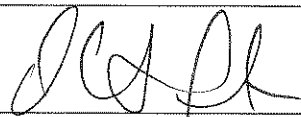
Please check one box:

- ☒ The nongovernmental corporate party, Lehigh Valley Hospital, in the above listed civil action does not have any parent corporation and publicly held corporation that owns 10% or more of its stock.
- ☐ The nongovernmental corporate party, \_\_\_\_\_, in the above listed civil action has the following parent corporation(s) and publicly held corporation(s) that owns 10% or more of its stock:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5/1/07

Date

  
\_\_\_\_\_  
Signature

Counsel for: Plaintiff

**Federal Rule of Civil Procedure 7.1 Disclosure Statement**

(a) WHO MUST FILE: NONGOVERNMENTAL CORPORATE PARTY. A nongovernmental corporate party to an action or proceeding in a district court must file two copies of a statement that identifies any parent corporation and any publicly held corporation that owns 10% or more of its stock or states that there is no such corporation.

(b) TIME FOR FILING; SUPPLEMENTAL FILING. A party must:

- (1) file the Rule 7.1(a) statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court, and
- (2) promptly file a supplemental statement upon any change in the information that the statement requires.

APPENDIX G

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

Lehigh Valley Hospital,  
Plaintiff,  
V.  
Daniel L. Haggerty,  
Defendant,

Civil Action  
No: \_\_\_\_\_

DISCLOSURE STATEMENT FORM

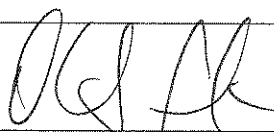
Please check one box:

- ☒ The nongovernmental corporate party, Lehigh Valley Hospital, in the above listed civil action does not have any parent corporation and publicly held corporation that owns 10% or more of its stock.
- ☐ The nongovernmental corporate party, \_\_\_\_\_, in the above listed civil action has the following parent corporation(s) and publicly held corporation(s) that owns 10% or more of its stock:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5/1/07

Date



Signature

Counsel for: Plaintiff

**Federal Rule of Civil Procedure 7.1 Disclosure Statement**

(a) WHO MUST FILE: NONGOVERNMENTAL CORPORATE PARTY. A nongovernmental corporate party to an action or proceeding in a district court must file two copies of a statement that identifies any parent corporation and any publicly held corporation that owns 10% or more of its stock or states that there is no such corporation.

(b) TIME FOR FILING; SUPPLEMENTAL FILING. A party must:

- (1) file the Rule 7.1(a) statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court, and
- (2) promptly file a supplemental statement upon any change in the information that the statement requires.

## APPENDIX I

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

Lehigh Valley Hospital,	:	CIVIL ACTION
Plaintiff,	:	
v.	:	
Daniel L. Haggerty,	:	
Defendant,	:	NO.

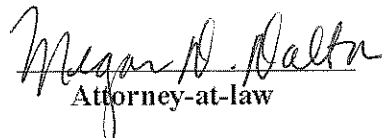
In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (x)

5/1/07

Date

  
Attorney-at-law

Megan D. Dalton

Attorney for Plaintiff

(610) 391-1800

Telephone

(610) 391-1805

FAX Number

mdalton@thslaw.com

E-Mail Address

APPENDIX N

## SUMMONS IN A CIVIL ACTION

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Lehigh Valley Hospital,  
Plaintiff,

v.

Daniel L. Haggerty,  
Defendant,

CIVIL ACTION NO.

TO: (NAME AND ADDRESS OF  
DEFENDANT)

Daniel L. Haggerty  
5-A Valley Drive  
Belvidere, NJ 07823-3132

YOU ARE HEREBY SUMMONED and required to serve upon

Plaintiff's Attorney (Name and Address)  
Oldrich Foucek, III, Esquire  
Megan D. Dalton, Esquire  
Tallman, Hudders & Sorrentino, P.C.  
1611 Pond Road, Suite 300  
Allentown, PA 18104

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Michael E. Kunz, Clerk of Court

Date:

(By) Deputy Clerk

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

Lehigh Valley Hospital  
1200 S. Cedar Crest Blvd.  
Allentown, PA 18103

Plaintiff,

V.

Daniel L. Haggerty,  
5-A Valley Drive  
Belvidere, NJ 07823-3132

Defendant.

Civil Action No.

## COMPLAINT

Plaintiff, Lehigh Valley Hospital, by and through its attorneys, Tallman, Hudders & Sorrentino, P.C., files the within Complaint against Defendant, Daniel L. Haggerty, and in support thereof, avers as follows:

1. Plaintiff, Lehigh Valley Hospital (hereinafter, "Plaintiff"), a Pennsylvania citizen, is a non-profit corporation, organized and existing under the laws of the Commonwealth of Pennsylvania, with its principal place of business located at 1200 S. Cedar Crest Blvd., Allentown, Lehigh County, Pennsylvania 18103.

2. Defendant, Daniel L. Haggerty, (hereinafter, “Defendant”), a New Jersey citizen, is an adult individual residing at 5-A Valley Drive, Belvidere, NJ 07823-3132.

## JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §1332(a) because the parties are diverse in citizenship and the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.



4. Venue in this district is appropriate pursuant to the provisions of 28 U.S.C. §1391(a), because a substantial part of the events giving rise to the claim occurred in Lehigh County, Pennsylvania, which is situated in the Eastern District of Pennsylvania.

**FACTS**

5. On or about November 16, 2005, Defendant was admitted to Plaintiff's hospital for treatment following a car accident. Defendant remained in Plaintiff's care for the period from November 16, 2005 through January 3, 2006.

6. While Defendant was being treated at Plaintiff's facility, Plaintiff, through its agents and/or employees, provided various services to Defendant.

7. The services provided by Plaintiff to Defendant were identified in detail billing statements provided to, or on behalf of, Defendant.

8. The total fair and reasonable cost of services provided by Plaintiff to Defendant is the sum of Eight Hundred Eighty Thousand Nine Hundred Seventeen Dollars and Twenty One Cents (\$880,917.21).

9. Three payments totaling One Hundred Ninety Two Thousand Nine Dollars and Ninety Two Cents (\$192,009.92) were made on behalf of Defendant to Plaintiff and applied to Defendant's account balance .

10. Despite demand, Defendant has refused and continues to refuse to pay Plaintiff the sum of Six Hundred Eighty Eight Thousand Nine Hundred Seven Dollars and Twenty Nine Cents (\$688,907.29), the balance upon Defendant's account which remains due and owing to the Plaintiff.



**COUNT I – BREACH OF CONTRACT**

11. Plaintiff hereby incorporates by reference the allegations set forth in paragraphs 1 through 10 as fully set forth herein.

12. While Defendant was a patient at Plaintiff's hospital, Plaintiff by and through its agents, provided various medical services to Defendant, for all of which services Defendant agreed and/or is legally obligated to make payment.

13. The services provided were identified in detailed billing statements previously provided to, or on behalf of, the Defendant. Because these bills are voluminous and may contain health information about the Defendant, they are not attached to this Complaint.

14. The total fair and reasonable cost of services provided by Plaintiff to Defendant is the sum of Eight Hundred Eighty Thousand Nine Hundred Seventeen Dollars and Twenty One Cents (\$880,917.21).

15. Despite demand, Defendant has refused and continues to refuse, to pay to Plaintiff the sum of Six Hundred Eighty Eight Thousand Nine Hundred Seven Dollars and Twenty Nine Cents (\$688,907.29), the balance upon Defendant's account which remains due and owing to the Plaintiff.

WHEREFORE, Plaintiff, Lehigh Valley Hospital, demands judgment in favor of Plaintiff and against Defendant, Daniel L. Haggerty, in the amount of Six Hundred Eighty Eight Thousand Nine Hundred Seven Dollars and Twenty Nine Cents (\$688,907.29) plus interest and costs of this action, and other such legal and/or equitable relief as this Honorable Court deems just.

**COUNT II – UNJUST ENRICHMENT**

16. Plaintiff hereby incorporates by reference the allegations set forth in paragraphs 1 through 15 as fully set forth herein.

17. Defendant, in receiving services by Plaintiff, and in failing to pay for such services, has wrongly secured or passively received a benefit.

18. Defendant has accepted and retained the benefit conferred upon him by Plaintiff.

19. Defendant has refused and continues to refuse to compensate Plaintiff for the aforementioned benefit.

20. Accordingly, it would be unconscionable for Defendant to retain the value of Plaintiff's expended services and supplies, without making payment to Plaintiff, and equity requires that Defendant compensate Plaintiff for such benefit conferred.

WHEREFORE, Plaintiff, Lehigh Valley Hospital, demands judgment in favor of Plaintiff and against Defendant, Daniel L. Haggerty, in the amount of Six Hundred Eighty Eight Thousand Nine Hundred Seven Dollars and Twenty Nine Cents (\$688,907.29) plus interest and costs of this action, and other such legal and/or equitable relief as this Honorable Court deems just.

TALLMAN, HUDDERS & SORRENTINO, P.C.

By: /s/ Oldrich Foucek, III  
Oldrich Foucek, III, Esquire  
Attorney I.D. No. 21554  
Megan D. Dalton, Esquire  
Attorney I.D. No. 200008  
1611 Pond Road, Suite 300  
Allentown, PA 18104-2258  
(610) 391-1800  
Attorneys for Plaintiff